

Office of the Secretary, DOT

§ 302.1790

- (a) Use of expedited procedures will prejudice a party;
- (b) Material issues of decisional fact cannot adequately be resolved without oral evidentiary hearing procedures; or
- (c) Assignment of an application for oral evidentiary hearing procedures or an initial or recommended decision by an administrative law judge is otherwise required by the public interest.

§ 302.1780 Standards for deciding cases in which expedited, simplified procedures are employed.

The standards employed in deciding cases under § 302.1750(a)(3) or (4) shall be the same as the standards applied in cases decided under § 302.1750(a)(1). These are the standards set forth in the

Federal Aviation Act of 1958, as amended, as interpreted and expanded upon under the Act.

§ 302.1790 Waivers.

Upon the filing of a motion, the DOT decisionmaker or the Assistant General Counsel for International Law, as appropriate, may, on behalf of the Department, grant such waivers from the terms and limitations contained in this subpart as it shall find to be consistent with the public interest and the proper dispatch of DOT's business. Petitions for review of the staff action taken under this section may be filed in accordance with subpart C of part 385 of this chapter.

Appendix A—Index to Rules of Practice

ADMINISTRATIVE LAW JUDGES

Actions after hearings.....	§ 302.27(b)
Arguments before	§ 302.25
Certification for decision	§ 302.22(d)
Definition.....	§ 302.22(a)
Delegation of authority	§ 302.27(a)
Exceptions.....	§ 302.27(a)
Interlocutory matters.....	§ 302.27(a)
Disqualification	§ 302.22(b)
Initial decision	
Answer in support or opposition	§ 302.28(b)
Contents.....	§ 302.27(b)
Effect of.....	§ 302.27(c)
Expedited procedures—Licensing	§ 302.1753
Incorporation by reference.....	§ 302.28(a)(4)
Oral arguments	§ 302.28(a)(5)
Orders declining review.....	§ 302.28(c)
Petitions for discretionary review	§ 302.28
Scope	§ 302.27(a)
Powers	§ 302.22(c)
Prehearing report.....	§ 302.23(b)
Proposed findings and conclusions.....	§ 302.27(b)
Recommended decision	§ 302.27(b)(1)
Expedited procedures—Licensing	§ 302.1753
Termination of authority.....	§ 302.22(c)

ADMISSIONS

Enforcement proceeding	§ 302.212
Limitation on use	§ 302.212

AGREEMENTS (*see Contracts*)

AMENDMENTS OF DOCUMENTS (*see Documents*)

ANSWERS

Applications for certificates	§ 302.1720(d)
Applications for exemptions	§ 302.406
Applications for foreign air carrier permits.....	§ 302.1740(c)
Applications for restriction removal	§ 302.1730(d)
Complaints against contract for transportation of mail by air	§ 302.1506
Complaints requesting suspension of tariffs.....	§ 302.505
Generally	§ 302.6
Motions, generally	§ 302.18(c)
Motions to consolidate.....	§ 302.12(c)
Notice instituting enforcement proceeding	§§ 302.207, 302.208
Orders instituting route proceedings.....	§ 302.915(c)
Motions re orders instituting route proceedings	§ 302.915(d)
Orders suspending operating authorization of charter carriers	§ 302.1013
Petitions for discretionary review	§ 302.28(b)
Petitions for final mail rates	§ 302.303
Petitions for intervention	§ 302.15(c)(3)
Petitions for reconsideration	§ 302.37a
Petitions for rule making.....	§ 302.38

APPEALS

Initial decision suspending charter air carriers' operating author- ity.....	§ 302.1017
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Law Judge's ruling.....	§ 302.18(f)	
APPEARANCES		
Generally.....	§ 302.11	
Application for admission to practice unnecessary	§ 302.11(a)	
Copy of transcript	§ 302.11(c)	
Retention of counsel	§ 302.11(b)	
Economic enforcement proceedings.....	§ 302.214	
APPLICATIONS		
Admission to practice unnecessary	§ 302.11(a)	
Suspension from practicing before DOT.....	§ 302.11(a)	
Amendment.....	§ 302.5	
Certificate authority to replace fixed-term route authorizations grant- ed by exemption	§ 302.909	
Consolidation	§ 302.12	
Exemptions.....	§§ 302.401–405	
Exemptions, emergency.....	§ 302.410(b), (c)	
Expedited procedures—Licensing.....	§§ 302.1703–1704, 302.1750	
ARGUMENT		
Before Law Judge	§ 302.25	
Oral (<i>See</i> Oral Argument).		
ATTENDANCE FEES AND MILEAGE	§ 302.21	
ATTORNEYS	§ 302.11(a), (b)	
BRIEFS		
Accompanying motions or answers.....	§ 302.18(d)	
Before DOT decisionmakers	§ 302.31	
Before Law Judge	§ 302.26	
Expedited procedures—Licensing	§§ 302.1752, 302.1755	
Failure to restate objections.....	§ 302.31(b)	
Filing time	§ 302.31(a)	
Formal specifications of briefs.....	§ 302.31(c)	
Importance of thorough brief on appeal.....	§ 302.31(b)	
CERTIFICATE CASES		
Expedited procedures—Licensing	§ 302.1720	
CERTIFICATION		
Documents	§ 302.4(b)	
Record	§ 302.22(d), 27, 29	
CHARGES (<i>See</i> Rates, Fares, and Charges).		
CHARTER AIR CARRIERS—PROCEEDINGS		
Additional suspension	§ 302.1015	
Appeal from initial decision to suspend operating authority.....	§ 302.1017	
Final decision.....	§ 302.1017	
Motion for termination of proceedings	§ 302.1014(a)	
Motion for termination of suspension.....	§ 302.1014(a)	
Order of suspension	§ 302.1012	
Accelerated hearing	§ 302.1016	
Answer of carrier	§ 302.1013	
Rules governing proceedings	§ 302.1011	
CITATION OF RULES		§ 302.2
CIVIL PENALTIES		§ 302.206(a)
COMPLAINANTS—JOINDER		§ 302.13
COMPLAINTS—JOINDER		§ 302.13
COMPLAINTS		
Contracts for transportation of mail.....	§ 302.1505	
Enforcement proceedings	§§ 302.200–204	
Joinder	§ 302.13	
Rates, fares, and charges	§§ 302.501–508	
Suspension of tariffs.....	§§ 302.505–508	
COMPUTATION OF TIME		§ 302.16

Office of the Secretary, DOT**Pt. 302, App. A**

Expedited procedures—Licensing	§ 302.1706
CONSOLIDATION OF PROCEEDINGS	§ 302.12
Answer to motion for	§ 302.12(c)
Enforcement proceedings.....	§ 302.210(a)
Filing time	§ 302.12(b)
Initiation of.....	§ 302.12(a)
Severance of portions of application.....	§ 302.12(d)
CONTRACTS	
Transportation of mail by air.....	§§ 302.1501–1508
Complaint against contract.....	§§ 302.1505–1507
Data supporting contract	§ 302.1503
Explanation of contract	§ 302.1503
Filing of contract	§ 302.1502
Petition for reconsideration.....	§ 302.1508
Service of contract	§ 302.1504
DECISIONS	
Expedited procedures—Licensing.....	§§ 302.1753–1754, 302.1757
Final	§ 302.36
Initial (<i>see also</i> Administrative Law Judge)	
Recommended	§ 302.27(b)(1)
Exceptions to.....	§ 302.30
Suspension of charter air carrier's operating authority	§ 302.1017
Tentative.....	§ 302.29
Exceptions to.....	§ 302.30
DEFINITIONS	
Administrative law judge.....	§ 302.22(a)
Initial decision	§ 302.27(a)
Official responsibility.....	§ 302.14
Private communication.....	§ 302.2(a)
Charter air carrier.....	§ 302.1002
DELEGATION OF AUTHORITY	§ 302.27
DEPOSITIONS	
Application by party for	§ 302.20(b)
Criteria for order to issue	§ 302.20(a)
Evidential status	§§ 302.20(d), 302.20(h)
Objections to questions	§ 302.2(d)
Subscription by witness	§ 302.20(e)
Who may order	§ 302.20(e)
Written interrogatories	§ 302.20(f)
DISCRETIONARY REVIEW	
Initial decisions.....	§ 302.28
Answers in opposition or support.....	§ 302.28(b)
Formal requirements	§ 302.28(a)(3)
Grounds for.....	§ 302.28(a)(2)
Orders declining review.....	§ 302.28(c)
Oral arguments	§ 302.28(a)(5)
Petitions for	§ 302.28(a)(1)
Review proceedings	§ 302.28(d)
DISSOLUTION OF ENFORCEMENT ACTION	§ 302.218
DOCUMENTS	
Amendments	§ 302.5
Leave of Department	§ 302.5
Timing of	§ 302.5
Answers (<i>see</i> Answers)	
Briefs	§ 302.3(b)
Date of	§ 302.8(b)
Dismissal	§ 302.5

Incorrect contents	§ 302.5
Power of Department.....	§ 302.5
Exhibits.....	§ 302.4(f), (g)
Expedited procedures—Licensing.....	§ 302.1705
Filing	§ 302.3
Address	§ 302.3(a)
Date	§ 302.3(a)
Improper filing.....	§ 302.4e
General requirements	§ 302.4
Contents	§ 302.4(a)
Designation of person to receive service.....	§ 302.4(c)
Signatures	§ 302.4(b)
Memoranda of opposition or support	§ 302.6(c)
Number of copies	§ 302.3(c)
Objections to public disclosure	§ 302.39(b)
Partial relevance of	§ 302.24(i)
Presented at oral argument	§ 302.32(b)
Proof of	§ 302.8(e)
Receipt after hearing.....	§ 302.24(k)
Responsive	§ 302.6
Retention	§ 302.7
Service	§ 302.8
By DOT	§ 302.8(a)(1)
By Parties.....	§ 302.8(a)(2)
Persons eligible for service.....	§ 302.8(c)
Procedures	§ 302.8(b)
Where.....	§ 302.8(d)
Specifications	
Printed.....	§ 302.3(b)(2)
Reproductions.....	§ 302.3(b)(3)
Typewritten.....	§ 302.3(b)(1)
Table of contents	§ 302.3(d)
Unauthorized.....	§ 302.4(f)
ENFORCEMENT PROCEEDINGS	
Complaints	
Formal	§ 302.201
Informal	§ 302.200
Insufficiency of	§ 302.203
Third party	§ 302.204
Generally	§§ 302.200–217
Evidence	
Burden of going forward—Hearings on a change in a rate, fare, or charge	§ 302.506
Exhibits	§ 302.24(g), (h)
Generally.....	§ 302.24(c)
Objections to.....	§ 302.24(d)
Offers of proof	§ 302.24(f)
Official notice	§ 302.24(n)
Previous violations.....	§ 302.216
Route proceedings.....	§ 302.930
EXAMINERS (<i>See</i> Administrative Law Judges).	
EXCEPTIONS	
Expedited procedures—Licensing	§ 302.1754
Law Judge's rulings.....	§ 302.24(c)
Recommended decisions	§ 302.30
Request for oral argument	§ 302.32
Tentative decisions	§ 302.30

Office of the Secretary, DOT**Pt. 302, App. A**

Waiver	§ 302.33
EXEMPTION—RENEWAL OF FIXED TERM ROUTE	
Authorizations	§ 302.909
EXEMPTION PROCEEDINGS	
Application	
Answers to	§ 302.406
Contents of.....	§ 302.402
Filing of	§ 302.401
Incomplete	§ 302.405
Posting of.....	§ 302.404
Service of.....	§ 302.403
Reply to answer	§ 302.407
Emergencies.....	§ 302.410
Exemption on DOT's initiative.....	§ 302.409
Hearing request.....	§ 302.408
Applicant	§ 302.408
Opponent.....	§ 302.408
EXHIBITS	
Generally.....	§ 302.24(g)
Records in other proceedings.....	§ 302.24(j)
EXPEDITED PROCEDURES FOR PROCESSING LICENSING CASES	§§ 302.1701-1790
FARES (See Rates, Fares, and Charges).	
FILING OF CONTRACTS OR AGREEMENTS REQUIRING	
FILING OF DOCUMENTS	§ 302.3
FINAL MAIL RATE PROCEEDINGS	
Evidence.....	§ 302.308
Failure to raise timely material issue of fact.....	§ 302.306
Institution of	§ 302.303
Participation by non party persons	§ 302.302
Prehearing conference and hearing.....	§ 302.307
FOREIGN AIR CARRIER PERMIT CASES	
Expedited procedures—Licensing	§ 302.1740
HEARINGS	
Accelerated, on suspension of charter carriers' operating authority.....	§ 302.1016
Argument before Law Judge.....	§ 302.25
Change in rate, fare, or charge	§ 302.506
Consolidated (see Consolidation of Proceedings)	
Designation of documents of partial relevance.....	§ 302.24(i)
Enforcement proceedings.....	§ 302.213
Evidence.....	§ 302.24(b), (c)
Expedited procedures—Licensing	§ 302.1751
Expedition of.....	§ 302.14(a)
Generally.....	§ 302.24
Intervention	§ 302.15
Notice.....	§ 302.24(b)
Offers of proof	§ 302.24(f)
Official notice of facts in certain documents.....	§ 302.24(n)
Participation by non parties	§ 302.14(b)
Proposed findings and conclusions of party	§ 302.26
Receipt of documents after hearing.....	§ 302.24(k)
Records in other proceedings.....	§ 302.24(j)
Request for, on application for exemption.....	§ 302.408
Request for expedition	§ 302.14(a)
Shortened procedure.....	§ 302.35
Transcripts	§ 302.24(l)(m)
INFORMAL MAIL RATE CONFERENCE	

Commencement of	§ 302.321
Conditions upon participation	§ 302.314
Compliance report	§ 302.314(d)
Confidentiality	§ 302.314(a)
Signed statement	§ 302.314(b)
Data available to post office	§ 302.317
Effect of conference agreements	§ 302.319
Information furnished by carrier	§ 302.315
Participants	§ 302.313
Post conference procedure	§ 302.318
Release from certain obligations	§ 302.320
Scope	§ 302.312
Staff analysis of data	§ 302.316
Termination of	§ 302.321
INITIAL DECISION (<i>See</i> Administrative Law Judge; Decisions).	
INTERROGATORIES (<i>See</i> Depositions).	
INTERVENTION	
Generally	§ 302.15
JOINDER OF COMPLAINTS OR COMPLAINANTS	§ 302.13
JOINT PLEADINGS	
Expedited procedures—Licensing	§ 302.1708
LAW JUDGE (<i>See</i> Administrative Law Judge).	
MEMORANDA PERMITTED BY STATUTE AS RESPONSIVE DOCUMENTS	§ 302.6(a)
MILEAGE FEES	§ 302.21
MODIFICATION OF ENFORCEMENT ACTION	§ 302.218
MOTIONS (<i>See also</i> Petitions).	
Answers to	§ 302.18(c)
Appeals from rulings of law judges	§ 302.18(f)
Briefs	§ 302.18(d)
Consolidation of proceedings	§ 302.12
Continuances and extension of time	§ 302.17
Disposition of	§ 302.18(e)
Effect of pendency	§ 302.18(g)
Expedition of case	§ 302.14(a)
For suspension of operating authority pendente lite	§ 302.217
For modification or dissolution of orders	§ 302.218
Form and contents	§ 302.18(b)
Generally	§ 302.18
Oral arguments	§ 302.18(d)
Route proceedings, initiation of	§ 302.915(c)
Substitution of parties	§ 302.10
Charter air carrier	§ 302.1014
Extension of time	§ 302.1014(c)
Termination of suspension of operating authorization	§ 302.1014
To correct transcripts	§ 302.24(m)
To dismiss third party complaint	§ 302.204
To disqualify DOT employee	§ 302.18(a-1)
To file unauthorized documents	§ 302.4(f)
To quash or modify subpoena	§ 302.19(f)
To whom motions addressed	§ 302.18(a)
To withhold information from public disclosure	§ 302.39(b), (e), (f)
NOTICE	
OBJECTION TO PUBLIC DISCLOSURE OF INFORMATION	§ 302.39
OFFERS OF PROOF	§ 302.24(f)
OFFICIAL NOTICE	§ 302.24(n)
ORAL ARGUMENTS	
Before DOT decisionmakers	§ 302.32

Office of the Secretary, DOT**Pt. 302, App. A**

Filing of requests	§ 302.32(a)
Request for leave.....	§ 302.32(a)
Rules on documentary evidence.....	§ 302.32(b)
Before Law Judges.....	§ 302.25
Expedited procedures—Licensing	§ 302.1756
Discretionary review	§ 302.28(a)(5)
Waivers.....	§ 302.33
ORDERS	
Declining review of initial decisions	§ 302.28(c)
Final.....	§ 302.36
Instituting route proceedings.....	§ 302.915(b)
Instituting investigation of rates, fares, and charges.....	§ 302.504
Show cause—Mail rate proceedings	§ 302.304
Answer	§ 302.305(b)
Non party memorandum	§ 302.305(c)
Notice of objection	§ 302.305(a)
PARTIES	
Appearances of	§ 302.11
Defined.....	§ 302.9
Enforcement proceedings.....	§ 302.210
Expedited procedures—Licensing	§ 302.1709
Mail rate proceedings	§ 302.301
Participation by Air Carrier Associations	§ 302.10(a)
Substitution of.....	§ 302.10
PETITIONS	
Adequacy of service	§ 302.702
Determination of rates, fares, or charges contents	§ 302.502(a)
Dismissal	§ 302.503
Service.....	§ 302.502(b)
Discretionary review of initial decision	§ 302.28
Waiver	§ 302.33
Informal mail rate conference	§ 302.320
Institution of mail rate proceedings.....	§ 302.303
Answers	§ 302.303(d)
Contents	§ 302.303(a)
Review of entire rate making unit	§ 302.303(b)
Intervention	§ 302.15(c)
Reconsideration.....	§ 302.37
Contents	§ 302.37(b)
Expedited procedures—Licensing	§ 302.1758
Filing Time	§ 302.37(a)
Repetitive.....	§ 302.37(c)
Rulemaking	§ 302.38
Informal mail rate conference	§ 302.320
Institution of mail rate proceedings.....	§ 302.303
Answers	§ 302.303(d)
Contents	§ 302.303(a)
Review of entire rate making unit	§ 302.303(b)
Intervention	§ 302.15(c)
Reconsideration.....	§ 302.37
Contents	§ 302.37(b)
Filing time	§ 302.37(a)
Repetitive.....	§ 302.37(c)
Rulemaking	§ 302.38
PREHEARING CONFERENCE	§ 302.23
Economic enforcement proceeding	§ 302.211
Purpose	§ 302.23(a)

Report of	§ 302.23(b)
Scope.....	§ 302.23(a)
PROCEEDINGS	
Adequacy of service	§§ 302.700–705
Consolidation of (<i>See Consolidation</i>).	
Contemporaneous consideration (<i>See Consolidation</i>).	
Consolidation of (<i>See Consolidation</i>).	
Contemporaneous considerations (<i>See Consolidation</i>).	
Economic enforcement	§§ 302.200–217
Exemption	§§ 302.400–410
Expedited procedures—Licensing	§§ 302.1701–1790
Mail rate.....	§§ 302.300–321
Rates, fares, and charges	§§ 302.500–508
Route	§§ 302.901–930
Charter	§§ 302.1001–1017
PROTESTS PERMITTED BY STATUTE AS RESPONSIVE DOCUMENTS	§ 302.6(a)
PUBLIC DISCLOSURE OF INFORMATION	
Generally.....	§ 302.39(a)
Objection to	
By government.....	§ 302.39(d)
Documents	§ 302.39(b)
In proceeding before DOT.....	§ 302.39(g)
Oral testimony	§ 302.39(c)
Answer	§ 302.207
Failure to answer.....	§ 302.208
Informal mail rate conference	§ 302.320
Institution of mail rate proceedings.....	§ 302.303
Answers	§ 302.303(d)
Contents	§ 302.303(a)
Review of entire rate making unit	§ 302.303(b)
Intervention	§ 302.15(c)
Reconsideration.....	§ 302.37
Contents	§ 302.37(b)
Filing time	§ 302.37(a)
Repetitive.....	§ 302.37(c)
Rule making	§ 302.38
RATES, FARES, AND CHARGES—PROCEEDINGS	
Burden of presenting evidence	§ 302.506
Institution of	§ 302.501
Order of investigation.....	§ 302.504
Petition.....	§ 302.501
Contents	§ 302.502(a)
Dismissed.....	§ 302.503
Service.....	§ 302.502(b)
Suspension of tariffs	§ 302.505
Answers.....	§ 302.505
Complaints.....	§ 302.505
Time for filing complaint	§ 302.508
RECOMMENDED DECISIONS (<i>See Decisions</i>).	
RECONSIDERATION, REHEARING, REARGUMENT	
(<i>See Petitions for Reconsideration</i>).	
RECORD, CERTIFICATION	§§ 302.22(d), 302.27(a), 302.29(a)
REGULATIONS—EFFECTS OF REPEAL, ETC.	
In Enforcement Proceedings	§ 302.40
REPLIES	
Answers generally.....	§ 302.6(b)
Answers to applications for exemptions	§ 302.407

Office of the Secretary, DOT**Pt. 302, App. A**

Answers to motions generally	§ 302.18(c)
Restrictions, removal of.....	§ 302.1730
Answers to petitions for enforcement.....	§ 302.209
REVIEW (See Discretionary Review).	
ROUTE PROCEEDINGS	
Expedited procedures.....	§§ 302.1701–1790
Evidence.....	§ 302.930
Institution by DOT order.....	§ 302.915
RULEMAKING PETITIONS	
§ 302.38	
SAVING CLAUSE.....	
§ 302.40	
SERVICE	
Generally	§ 302.8
SETTLEMENT OFFERS	
Enforcement proceedings.....	§ 302.215
Public disclosure	§ 302.215(b)
SHORTENED PROCEDURE	
§ 302.35	
SHOW CAUSE ORDER (See Orders).	
SUBPOENAS	
Easy availability of.....	§ 302.19(d)
For DOT employees.....	§ 302.19(g)
For documentary of tangible evidence	§ 302.19(c)
For documentary evidence in possession of DOT or employees	§ 302.19(g)
Irrelevant or unreasonable.....	§ 302.19(d)
Issued by Law Judge.....	§ 302.19(e)
Motion to modify or quash.....	§ 302.19(f)
Oral application for witness.....	§ 302.19(b)
Review by DOT decisionmaker	§ 302.19 (f), (g)
Service of.....	§ 302.19(f)
Staying of	§ 302.19(f)
SUSPENSION OF PRACTICE BEFORE DOT	
§ 302.11(a)	
TARIFFS	
Complaints requesting suspension	§ 302.505
TEMPORARY RATE PROCEEDINGS	
Fixing of temporary rates of compensation by Postmaster General	§ 302.310(a)
Temporary service mail rates.....	§ 302.310(b)
TENTATIVE DECISIONS (See Decisions).	
TERMINOLOGY UTILIZED.....	
§ 302.2	
TESTIMONY (See Witnesses).	
TIME	
Computation of	
Generally.....	§ 302.16
Tariff complaints	§ 302.508
Continuances of	§ 302.17
Expedited procedures—Licensing	§§ 302.1706, 302.1711
Extensions of	§ 302.17
VERIFICATION	
Expedited procedures—Licensing	§ 302.1707
WAIVERS OF PROCEDURAL STEPS	
Briefs	§ 302.33
Discretionary review of initial decisions	§ 302.33
Exceptions to recommended decisions	§ 302.33
Exceptions to tentative decisions	§ 302.33
Expedited procedures—Licensing	§ 302.1790
Filing of proposed findings and conclusions.....	§ 302.33
Oral arguments.....	§ 302.33
WITNESSES	
Attendance fees and mileage	§ 302.21

Cross-examination by nonparties.....	§ 302.14(b)
Depositions.....	§ 302.20
Objections to public disclosure of testimony	§ 302.39(c)
Subpenas	§ 302.19
VIOLATIONS—EVIDENTIAL STATUS IN ENFORCEMENT PROCEEDINGS	§ 302.216

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